

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FCS ADVISORS, LLC,

Plaintiff,

- against -

21 Civ. 6995 (PKC)

THEIA GROUP, INC., d/b/a “THORIAN GROUP”
and/or “CYPHERIAN”; THEIA AVIATION, LLC;
and THEIA HOLDINGS A, INC., d/b/a “THORIAN
HOLDINGS”,

Defendants.

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THEIA GROUP, INC., d/b/a “THORIAN GROUP”
and/or “CYPHERIAN”; THEIA AVIATION, LLC;
and THEIA HOLDINGS A, INC., d/b/a “THORIAN
HOLDINGS”,

Counterclaim Plaintiffs,

FCS ADVISORS, LLC; BREVET CAPITAL
MANAGEMENT, LLC; MARK CALLAHAN;
ROBERT LEEDS; LEEDS HOLDINGS, LLC; and
STRONGBOW HOLDINGS, LLC,

Counterclaim Defendants.

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DECLARATION OF SCOTT KRINSKY

I, Scott Krinsky, hereby declare as follows:

1. I am a member of the firm of Backenroth, Frankel & Krinsky, LLP, counsel for non-party TG Capital Services LLC (“TG Capital”).
2. I submit this declaration on behalf of TG Capital in opposition to the motion filed by Michael Fuqua, as receiver (the “Receiver”), for an order authorizing the Receiver to obtain a first priority priming loan facility from the Plaintiff (Doc’s 149-150).

3. Attached hereto as Exhibit A are true and correct copies of three Notices of Appearance dated April 22, 2020 (Doc's 144-146), by attorneys Louis M. Solomon, Colin A. Underwood and Nancy L. Savitt, respectively, of the law firm Reed Smith LLP ("Reed Smith"), to appear as counsel for Brevet Holdings, LLC, Brevet Capital Management, LLC, Brevet Short Duration Partners, LLC, Brevet Short Duration Holdings, LLC, Douglas Monticciolo, Mark Callahan and Johnny Lan, in an action pending in this Court, captioned PAUL IACOVACCI, v. BREVET HOLDINGS, LLC, a Delaware Limited Liability Company, et al., 18-cv-08048-MKV (the "First Action").¹ Attached hereto as Exhibit B is a true and correct copy of a motion for admission pro hac vice dated August 12, 2021, without exhibits, by attorney Traci S. Rea of Reed Smith to appear as counsel for the same parties in the First Action which was granted by minute order dated August 16, 2021. According to the docket in the First Action, Reed Smith continues to represent the same parties in the First Action, as evidenced by a recent letter written by Mr. Solomon to the Court on January 4, 2022 (Doc 259).

4. Attached hereto as Exhibit C are true and correct copies of five Notices of Appearance dated February 17, 2020 (Doc's 993-997), by attorneys Louis M. Solomon, Colin A. Underwood, Yu Jung Yang, Nancy L. Savitt and Avery I. Nagy-Normyle, respectively, of the law firm Reed Smith, to appear as counsel for Brevet Holdings, LLC, Brevet Short Duration Partners,

¹ The full caption of the First Action is as follows: PAUL IACOVACCI, Plaintiff, v. BREVET HOLDINGS, LLC, a Delaware Limited Liability Company, BREVET CAPITAL MANAGEMENT, LLC, a Delaware Limited Liability Company, BREVET SHORT DURATION PARTNERS, LLC, a Delaware Limited Liability Company, BREVET SHORT DURATION HOLDINGS, LLC, a Delaware Limited Liability Company, DOUGLAS MONTICCIOLO, as a Member and the Majority Owner of Brevet Holdings, LLC, Chief Investment Officer of Brevet Capital Management, LLC, a Member of Brevet Short Duration Partners, LLC, a Member of Brevet Short Duration Holdings, LLC, and Individually, MARK CALLAHAN, as President of Brevet Capital Management, LLC, a Member of Brevet Short Duration Partners, LLC, a Member of Brevet Short Duration Holdings, LLC, and Individually, JOHNNY LAN, as Vice President and Head of Technology of Brevet Capital Management, LLC, and Individually, and JOHN AND JANE DOES 1 THROUGH 100, Defendants, Case No. 18-cv-08048-MKV.

LLC, Brevet Short Duration Holdings, LLC, Brevet Capital Partners, LLC, Brevet Capital Holdings, LLC, Douglas Monticciolo, Mark Callahan and John Tripp, in an action pending in the Supreme Court of the State of New York, County of New York, captioned PAUL IACOVACCI, v. BREVET HOLDINGS, LLC, a Delaware Limited Liability Company, et al., 158735/2016 (the “Second Action”).² According to the docket in the Second Action, Reed Smith continues to represent the same parties in the Second Action. Attached hereto as Exhibit D is a true and correct copy of an Affirmation of Louis M. Solomon in Support of Defendants’ Opposition to Plaintiff’s Motion for Discovery Sanctions dated January 12, 2022, without exhibits, which was submitted by Mr. Solomon on behalf of the same parties in the Second Action (Doc 1506).

5. Attached hereto as Exhibit E is a true and correct copy of a Notice of Appearance of Counsel dated March 19, 2021 (Doc 14), by attorney Louis M. Solomon of Reed Smith, to appear as counsel for Brevet Holdings, LLC, Brevet Short Duration Partners, LLC, Brevet Short Duration Holdings, LLC, and Brevet Capital Management, LLC, in an action pending in this Court, captioned BREVET HOLDINGS, LLC, et al., v. ENASCOR, LLC, et al., 21-cv-01540-MKV (the “Third Action”).³ Attached hereto as Exhibit F is a true and correct copy of a motion for admission pro hac vice dated June 10, 2021, without exhibits, by attorney Traci S. Rea of

² The full caption of the Second Action is as follows: PAUL IACOVACCI, Plaintiff, v. BREVET HOLDINGS, LLC, a Delaware Limited Liability Company, BREVET SHORT DURATION PARTNERS, LLC, f/k/a Brevet Capital Partners III, LLC, a Delaware Limited Liability Company, BREVET SHORT DURATION HOLDINGS, LLC, f/k/a Brevet Capital Holdings III, LLC, a Delaware Limited Liability Company, BREVET CAPITAL PARTNERS, LLC, a Delaware Limited Liability Company, BREVET CAPITAL HOLDINGS, LLC, a Delaware Limited Liability Company, DOUGLAS MONTICCIOLO, MARK CALLAHAN and JOHN TRIPP, Defendants, Index No. 158735/2016.

³ The full caption of the Third Action is as follows: BREVET HOLDINGS, LLC, BREVET SHORT DURATION PARTNERS, LLC (f/k/a Brevet Capital Partners III, LLC), BREVET SHORT DURATION HOLDINGS, LLC (f/k/a Brevet Capital Holdings III, LLC), and BREVET CAPITAL MANAGEMENT, LLC, Plaintiffs, v. ENASCOR, LLC, d/b/a ENASCOR CAPITAL MANAGEMENT, and PAUL IACOVACCI, Defendants, Case No. 18-cv-08048-MKV.

Reed Smith to appear as counsel for the same parties in the Third Action (Doc. 56) which was granted by order dated June 11, 2021. According to the docket in the Third Action, Reed Smith continues to represent the same parties in the Third Action.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
January 14, 2022

s/Scott Krinsky

Scott Krinsky, Esq. (SK-2049)